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State of Utah

DEPARTMENT OF NATURAL RESOURCES

Division of Oil, Gas & Mining

MICHAEL R. STYLER
Executive Director

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Division Director

Inspection Report

Minerals Regulatory Program

August 7, 2012

Reviewed: TH

Mine Name: West Side
Operator Name: DJN Rockwalls

Permit number: S/035/0032
Inspection Date: July 20, 2012
Time: About 2:30-2:45 PM

Inspector(s): Paul Baker and Cameron Johnson (Assistant Attorney General)

Other Participants: None

Mine Status: Regraded

Weather: Clear, 90s

Elements of Inspection	Evaluated	Comment	Enforcement
1. Permits, Revisions, Transfer, Bonds, Permit Fees	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Public Safety (shafts, adits, trash, signs, highwalls)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Protection of Drainages / Erosion Control	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Deleterious Material	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Roads (maintenance, surfacing, dust control, safety)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Concurrent Reclamation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Backfilling/Grading (trenches, pits, roads, highwalls, shafts, drill holes)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Soils	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Revegetation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Purpose of Inspection:

The operator requested that the Division release the reclamation surety.

Inspection Summary:

The Division does not have record of the entire history of this site, partly because the operator never filed an annual report. The Notice of Intention to Commence Small Mining Operations was originally received December 7, 2006, and approved January 24, 2007. Sometime after this the operator ceased mining operations and apparently regraded the site. According to the operator's representative, Shawn Nay, another operator then came and re-disturbed the site. The Division cannot verify this information. The Division subsequently requested that the operator of a nearby mine regrade this site which he did in about 2010. An inspection report dated June 7, 2010, indicated the operator still needed to seed the site.

1. Permits, Revisions, Transfer, Bonds, Permit Fees
The permit fee was last paid in 2007.

The Division currently holds a reclamation surety of \$8000.00 in the form of a certificate of deposit.

9. Revegetation

As seen in the attached photos, most of the vegetation consists of weeds, especially cheatgrass, sunflowers, Russian thistle, kochia, and gumweed. There is also quite a lot of Scotch thistle, a declared noxious weed. There are a few perennial grasses and some rubber rabbitbrush.

Conclusions and Recommendations:

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Revegetation does not meet the standards in rule R647-3-109.13. This rule requires that the vegetation must support the postmining land use, provide basic soil and watershed protection, and that there be at least 70 percent of the pre-mining vegetation cover or that the vegetation be established within practical limits. There is probably adequate cover, but the vegetation does not meet the requirements for any postmining land use.

Most of the undesirable species are either winter annuals or biennials that can be at least partly controlled in the fall. I suggest that the operator wait until there has been some rain and subsequent germination in the fall. Many of the weeds could then be killed either with herbicides or mechanical methods. The area could then be scarified and seeded.

The operator needs to pay permit fees for 2008 and 2009.

The operator owes a fine of \$770.00 for a violation issued at another site. The reclamation surety was fully released at this other site because, at the time, there was some question whether the fine had been paid. The Division will not fully release the surety for the West Side mine until the fine and permit fees have been paid.

I recommend that the Division release a portion of the surety but retain approximately \$2000.00-3000.00 for revegetation.

Inspector's Signature



PBB

cc: Shawn Nay, DJN

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Photo 1. The four photos show the grading and revegetation. Note the Scotch thistle in this picture.



Photo 2. Cheatgrass and sunflowers.



Photo 3. Most of the plants in this photo are cheatgrass, Russian thistle, and kochia, but there is also some Scotch thistle, gumweed, and rubber rabbitbrush.



Photo 4. Gumweed in the foreground with cheatgrass and sunflowers.